

**CHAPTER 82**  
**METAL DETECTING AND/OR DOWSING ROD USE ON TOWN-OWNED PROPERTY**

[HISTORY: Adopted by the Durham Town Council August 18, 2014 as Ord. No. 2014-08. This ordinance allows the use of metal detectors and dowsing rods on Town-owned property, with certain restrictions].

**82-1.** The practice of metal detection and/or dowsing is prohibited on or in all Town-owned property if the site is an “historic property,” as defined by New Hampshire Revised Statutes Annotated (RSA) 227-C:1, VI.

**82-2.** Otherwise, the practice of metal detecting or dowsing is permitted on or in Town-owned property with the following restrictions:

1. A formal request for metal detection and/or dowsing activities must first be filed with and approved by the Town Administrator. The Administrator shall ensure the application does not involve an historic property or other Town parcel where metal detecting is prohibited and that the applicant understands the restrictions that are in effect in Durham as described herein.
2. Unless otherwise exempted herein, any items discovered through this practice are and shall be the property of the Town of Durham.
3. The Town of Durham reserves the right to prohibit metal detecting and/or dowsing on certain of its properties as it sees fit. The Town Administrator, in consultation with the appropriate boards and committees, shall make such determinations.
4. Any items found while metal detecting shall be promptly reported to the Town.
5. Exemptions to the Town’s legal right of ownership of items found while pursuing metal detecting and/or dowsing:
  - a. If a person has lost the found item in question is jewelry or some other small, tangible item, then, prior to attempting to find it through metal detection or dowsing, he or she shall present to the Town Administrator an accurate description of said item and attest to its ownership and loss. If the owner of the lost item then locates said item as a result of metal detection or dowsing, then he or she shall bring the item to the Town Administrator, who shall determine whether the finder may take possession of it. recently lost by that person at or near the location where found, and the person who finds or locates said item can accurately describe said item and attests to those facts, the finder may take possession of the item.
  - b. If the found item in question is an “historic resource”, as defined by New Hampshire Revised Statutes Annotated (RSA) 227-C:1, VII, the person finding or discovering shall take no further action to remove, dislodge, or uncover the item, shall leave it in its present condition, and shall report the discovery of the found item and its location to the Town of Durham and the New Hampshire Department of Cultural Resources.

**82-3.** The Town’s policy herein is to be interpreted in conjunction with any regulations validly enacted by the Town that pertain to Town forests pursuant to New Hampshire Revised

Statutes Annotated (RSA) 31:112, Town parks pursuant to New Hampshire Revised Statutes Annotated (RSA) 35-B, conservation property pursuant to New Hampshire Revised Statutes Annotated (RSA) 36-A:4, and Town public libraries pursuant to New Hampshire Revised Statutes Annotated (RSA) 202-A:6. If this policy conflicts with any of the preceding or any other state or local regulation or ordinance, the more stringent shall apply.